

# HOUSE JOURNAL

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SEVENTY-NINTH LEGISLATURE, FIRST CALLED SESSION

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## PROCEEDINGS

TWELFTH DAY — MONDAY, JULY 18, 2005

The house met at 1 p.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 74).

Present — Mr. Speaker; Allen, A.; Allen, R.; Alonzo; Anchia; Anderson; Bailey; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Casteel; Castro; Chavez; Chisum; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Escobar; Farabee; Farrar; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Leibowitz; Luna; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega, M.; Oliveira; Olivo; Orr; Otto; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

Absent, Excused — Driver.

The invocation was offered by Dr. Tom Goodman, Hillcrest Baptist Church, Austin.

The speaker recognized Representative Baxter who led the house in the pledges of allegiance to the United States and Texas flags.

### **LEAVE OF ABSENCE GRANTED**

The following member was granted leave of absence for today and the remainder of the week because of a death in the family:

Driver on motion of Denny.

### **HR 340 - ADOPTED (by Campbell)**

Representative Edwards moved to suspend all necessary rules to take up and consider at this time **HR 340**.

The motion prevailed.

The following resolution was laid before the house:

**HR 340**, Recognizing the week of September 5, 2005, as Chili Appreciation Week in Texas, commending the Chili Appreciation Society International for its philanthropic endeavors, and welcoming the attendees of the Annual Great Peppers Convention in San Angelo.

**HR 340** was adopted.

**HR 355 - ADOPTED**  
**(by Hilderbran)**

Representative Edwards moved to suspend all necessary rules to take up and consider at this time **HR 355**.

The motion prevailed.

The following resolution was laid before the house:

**HR 355**, Honoring Brady National Bank on the 100th anniversary of its founding.

**HR 355** was adopted.

**HR 356 - ADOPTED**  
**(by Hilderbran)**

Representative Edwards moved to suspend all necessary rules to take up and consider at this time **HR 356**.

The motion prevailed.

The following resolution was laid before the house:

**HR 356**, In memory of Sidney Albert Nicholson, Jr., of Kerrville.

**HR 356** was unanimously adopted by a rising vote.

**HR 357 - ADOPTED**  
**(by Swinford)**

Representative Edwards moved to suspend all necessary rules to take up and consider at this time **HR 357**.

The motion prevailed.

The following resolution was laid before the house:

**HR 357**, Congratulating Earl James Halfmann of Vancourt on the occasion of his 80th birthday.

**HR 357** was adopted.

**HR 358 - ADOPTED**  
**(by Craddick)**

Representative Edwards moved to suspend all necessary rules to take up and consider at this time **HR 358**.

The motion prevailed.

The following resolution was laid before the house:

**HR 358**, Congratulating George Thomas Conly of Midland on the occasion of his 80th birthday.

**HR 358** was adopted.

**HR 349 - ADOPTED**

**(by Pitts, Morrison, Baxter, Craddick, and Naishtat)**

Representative Pitts moved to suspend all necessary rules to take up and consider at this time **HR 349**.

The motion prevailed.

The following resolution was laid before the house:

**HR 349**, Honoring Dr. Larry R. Faulkner for his exceptional service as president of The University of Texas at Austin.

**HR 349** was read and was adopted.

On motion of Representative Goolsby, the names of all the members of the house were added to **HR 349** as signers thereof.

**INTRODUCTION OF GUESTS**

The speaker recognized Representative Pitts who introduced Dr. Larry Faulkner and his family.

(Morrison in the chair)

**HR 333 - ADOPTED**

**(by Madden)**

Representative Madden moved to suspend all necessary rules to take up and consider at this time **HR 333**.

The motion prevailed.

The following resolution was laid before the house:

**HR 333**, Honoring community supervision and parole officers in Texas for their contributions to public safety.

**HR 333** was read and was adopted.

**HR 342 - ADOPTED**

**(by Madden)**

Representative Madden moved to suspend all necessary rules to take up and consider at this time **HR 342**.

The motion prevailed.

The following resolution was laid before the house:

**HR 342**, In memory of U.S. Marine Corporal Tyler S. Trovillion of Richardson.

**HR 342** was read and was unanimously adopted by a rising vote.

On motion of Representative W. Smith, the names of all the members of the house were added to **HR 342** as signers thereof.

**HR 252 - ADOPTED**

**(by B. Brown)**

Representative B. Brown moved to suspend all necessary rules to take up and consider at this time **HR 252**.

The motion prevailed.

The following resolution was laid before the house:

**HR 252**, Honoring Don and LaDonna Thurman of Terrell on their 50th anniversary.

**HR 252** was adopted.

**HR 359 - ADOPTED**

**(by Escobar)**

Representative Escobar moved to suspend all necessary rules to take up and consider at this time **HR 359**.

The motion prevailed.

The following resolution was laid before the house:

**HR 359**, Honoring Paula Vargas of Harlingen for her contributions to her community.

**HR 359** was adopted.

**HR 360 - ADOPTED**

**(by Escobar)**

Representative Escobar moved to suspend all necessary rules to take up and consider at this time **HR 360**.

The motion prevailed.

The following resolution was laid before the house:

**HR 360**, Honoring Carol Radford for her longtime service with the Ricardo Independent School District.

**HR 360** was adopted.

**HCR 15 - ADOPTED****(by Homer)**

Representative Homer moved to suspend all necessary rules to take up and consider at this time **HCR 15**.

The motion prevailed.

The following resolution was laid before the house:

**HCR 15**, In memory of Thelma Jeane Day of Brookston.

**HCR 15** was unanimously adopted by a rising vote.

**HCR 16 - ADOPTED****(by Homer)**

Representative Homer moved to suspend all necessary rules to take up and consider at this time **HCR 16**.

The motion prevailed.

The following resolution was laid before the house:

**HCR 16**, In memory of Grady W. Elmore of Paris.

**HCR 16** was unanimously adopted by a rising vote.

**HCR 17 - ADOPTED****(by Homer)**

Representative Homer moved to suspend all necessary rules to take up and consider at this time **HCR 17**.

The motion prevailed.

The following resolution was laid before the house:

**HCR 17**, In memory of William A. Ressler of Paris.

**HCR 17** was unanimously adopted by a rising vote.

**HCR 20 - ADOPTED****(by Homer)**

Representative Homer moved to suspend all necessary rules to take up and consider at this time **HCR 20**.

The motion prevailed.

The following resolution was laid before the house:

**HCR 20**, In memory of Joe Paul Cobb of Paris, Texas.

**HCR 20** was unanimously adopted by a rising vote.

## **BILLS AND JOINT RESOLUTIONS ON FIRST READING AND REFERRAL TO COMMITTEES**

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

### **HJR 25 - RECOMMITTED**

Representative J. Keffer moved to recommit **HJR 25** to the Committee on Ways and Means.

The motion prevailed.

### **HR 361 - ADOPTED (by Hughes)**

Representative Edwards moved to suspend all necessary rules to take up and consider at this time **HR 361**.

The motion prevailed.

The following resolution was laid before the house:

**HR 361**, Honoring the Wood County Retired School Personnel Association on its 25th anniversary.

**HR 361** was adopted.

## **COMMITTEE MEETING ANNOUNCEMENTS**

The following committee meetings were announced:

Ways and Means, 3 p.m. today, 3W.9, for a formal meeting.

Calendars, 5 p.m. today, E1.022, for a formal meeting.

## **PROVIDING FOR ADJOURNMENT**

Representative Truitt moved that, pending receipt of messages from the senate and at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the house adjourn until 11 a.m. tomorrow in memory of Chief Warrant Officer Christopher Martin of Grapevine.

The motion prevailed.

## **MESSAGE FROM THE SENATE**

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 1).

(Swinford in the chair)

## **MESSAGE FROM THE SENATE**

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 2).

## **BILLS AND JOINT RESOLUTIONS ON FIRST READING AND REFERRAL TO COMMITTEES**

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 2.)

### **ADJOURNMENT**

In accordance with a previous motion, the house, at 4:25 p.m., adjourned until 11 a.m. tomorrow.

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### **ADDENDUM**

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#### **REFERRED TO COMMITTEES**

The following bills and joint resolutions were today laid before the house, read first time, and referred to committees, and the following resolutions were today laid before the house and referred to committees. If indicated, the chair today corrected the referral of the following measures:

##### **List No. 1**

**HB 119** (By Blake), Relating to participation of certain annuitants and their dependents in the state employees group benefits program.

To Pensions and Investments.

**HB 120** (By Flores), Relating to an exception for certain employees of the Texas Lottery Commission from the application of the employment-at-will doctrine.

To State Affairs.

**HB 121** (By J. Davis), Relating to the creation of municipal management districts by certain small municipalities; providing authority to impose an assessment or sales and use tax, and to issue bonds.

To Urban Affairs.

**HB 122** (By Edwards), Relating to providing an exemption from ad valorem taxation of the full value of the residence homesteads of individuals 65 years of age or older.

To Ways and Means.

**HJR 26** (By Edwards), Proposing a constitutional amendment authorizing the legislature to exempt from ad valorem taxation the full value of the residence homesteads of persons 65 years of age or older.

To Ways and Means.

##### **List No. 2**

**SJR 13** to Ways and Means.

**MESSAGES FROM THE SENATE**

The following messages from the senate were today received by the house:

**Message No. 1****MESSAGE FROM THE SENATE****SENATE CHAMBER**

Austin, Texas

Monday, July 18, 2005

The Honorable Speaker of the House

House Chamber

Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

**THE SENATE HAS PASSED THE FOLLOWING MEASURES:****HCR 13**

Naishtat

SPONSOR: Barrientos

In memory of former U.S. Representative James Jarrell "Jake" Pickle.

**HCR 25**

Jones, Jesse

SPONSOR: Deuell

Proclaiming July 25, 2005, as Henry Miller Morgan Day in Texas and commemorating the dedication of a Texas State Historical Marker at the site in Tyler of the first African American barber college.

Respectfully,

Patsy Spaw

Secretary of the Senate

**Message No. 2****MESSAGE FROM THE SENATE****SENATE CHAMBER**

Austin, Texas

Monday, July 18, 2005 - 2

The Honorable Speaker of the House

House Chamber

Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

**THE SENATE HAS PASSED THE FOLLOWING MEASURES:****HCR 15**

Homer

SPONSOR: Eltife

In memory of Thelma Jeane Day of Brookston.

**HCR 16**

Homer

SPONSOR: Eltife

In memory of Grady W. Elmore of Paris.



- HCR 17** Homer SPONSOR: Eltife  
In memory of William A. Ressler of Paris.
- HCR 20** Homer SPONSOR: Eltife  
In memory of Joe Paul Cobb of Paris, Texas.
- HCR 24** Homer SPONSOR: Eltife  
In memory of Betty J. Hobbs of Paris.
- HCR 27** Homer SPONSOR: Eltife  
Congratulating Master Chief Petty Officer Jerry McFadden on the occasion of his retirement from the United States Navy in July 2005.
- HCR 28** Homer SPONSOR: Eltife  
In memory of Hicks Graves of Petty.
- HCR 29** Homer SPONSOR: Eltife  
Honoring U.S. Army First Lieutenant Joseph C. Whelchel of Lamar County on his receipt of the Bronze Star.
- SJR 13** Wentworth  
Proposing a constitutional amendment increasing the amount of the residence homestead exemption from ad valorem taxation for public school purposes and providing for a corresponding adjustment of the limitation on the amount of ad valorem taxes that may be imposed for those purposes on the homesteads of certain persons.
- THE SENATE HAS REFUSED TO CONCUR IN HOUSE AMENDMENTS TO THE FOLLOWING MEASURES AND REQUESTS THE APPOINTMENT OF A CONFERENCE COMMITTEE TO ADJUST THE DIFFERENCES BETWEEN THE TWO HOUSES:
- SB 62**  
Senate Conferees: Janek - Chair/Armbrister/Duncan/Seliger/Staples  
Respectfully,  
Patsy Spaw  
Secretary of the Senate

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## APPENDIX

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### STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

**July 17**

Ways and Means - **HJR 25**

